S.B.Civil Review Petition NO.23/2004
in
S.B.Civil Revision Petition No.1075/2004

Mahendra Singh & Ors.

vs

Om Maheshwari & Ors.

DATE OF ORDER : - 17.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. Karan Singh Rathore, for the petitioner.

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Heard learned counsel for the petitioner.

It appears that the petitioner proceeded on wrong assumption that inadvertently the earlier order passed in S.B.Civil Revision Petition No.1075/2001 escaped the notice of the court while hearing and deciding the revision petition. According to learned counsel for the petitioner, in view of the order dated 22nd Oct., 2003 since the petitioner failed to serve the notice in the stipulated period given by the court, therefore, revision petition stood dismissed automatically.

According to learned counsel for the petitioner, the revision petition is stood dismissed on 22nd Feb., 2004 on expiry of four months time. Therefore, according to learned counsel for the petitioner, this

court should not have decided the revision petition on merits.

The argument of learned counsel for the petitioner is proceeding on totally non-reading of the relevant portion of the order dated 17th Sept., 2004. This court specifically observed that till today there is no office report that any notice of any of the respondents received unserved and in view of the above, the revision petition still survives and is not stood dismiss, despite the order dated 22nd Oct., 2003 and this court rejected the respondent's objection about the deciding the revision petition on merits.

In view of the above, the review petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-